

¹ Dell Inc. and Oracle America, Inc. do not join this motion. Realtime does not seek relief in this motion as to its obligations with respect to these parties.

exchanging Early Damages Expert Reports and from participating in the Early Damages Expert hearing. The Moving Parties have noted that they do not believe the reports and hearing are necessary because they have attended mediations this spring that provided insight into where the parties stand with respect to damages, and will attend mediation again in the next six months where they hope to make additional progress.

While the Court appreciates the role of mediations in allowing the parties to gather insight into each other's damages positions, the Court notes that there are other purposes for its mandated Early Damages Expert requirements. Specifically, the hearing allows the Court to learn about the parties' damages positions. In addition, it gives the Court the opportunity to provide its own insight regarding any damages disputes between the parties. If the Moving Parties are willing to stipulate that they will not file any *Daubert* motions or other papers challenging the other Moving Parties' damages position prior to trial, the Court will grant the Moving Parties' Motions for Leave to Cancel Early Damages Expert Matters.

It is therefore **ORDERED** that the Moving Parties are given leave to file a stipulation consistent with this Order within seven (7) days of the date of this order if they so choose.

So ORDERED and SIGNED this 20th day of September, 2016.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE